

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Fluvanna County Library
214 Commons Blvd
Palmyra, VA 22963**

**Tuesday, July 11, 2023
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Howard Lagomarsino, Vice Chair
Mike Goad, Commissioner
Bree Key, Commissioner
Lorretta Johnson-Morgan, Commissioner
Patricia Eager, Board of Supervisors member

ABSENT:

Barry Bibb, Chair

STAFF PRESENT:

Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Douglas Miles, Community Development Director
Jon-Mikel Whalen, Planner / GIS Technician
Dan Whitten, Fluvanna County Attorney
Valencia Porter-Henderson, Administrative Programs Specialist

A. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 6:00 pm, Vice Chair Lagomarsino, called the July 11, 2023 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

B. Virginia Clean Economy Act, the Virginia Energy Plan & Implications for Localities:

- In 2020 the Virginia General Assembly passed the Virginia Clean Economy Act (VCEA) (House Bill 1526 and Senate Bill 851)
- In 2022, Governor Youngkin presented Virginia's 2022 Energy Plan, a plan to seek to, "(Honor) our calling to environmental stewardship...(and) deliver economic development and job creation opportunities across the Commonwealth"
- The VCEA requires Virginia to retire natural gas plants by 2050: these plants comprise 67% of baseload generation and 100% of such plants that meet the peak electrical power energy in Virginia.
- Energy demands will increase with future demands from, among others: increased jobs, increased population, electric cars, data centers, and indoor farming

Solar Site Selection:

- In the Summer of 2022, the William & Mary Law School published Developing Solar Energy in Rural Virginia: An Analysis of Legal, Environmental and Policy Issues
- Solar uses are subject to review in locality's Comp Plan like all other development
- Substantial Accord Review can be found under the VA State Code Sec. 15.2-2232
- Solar Siting Agreements & Special Use Permits can be powerful tools for rural counties.
- A locality may grant a condition that includes the dedication of real property of substantial value OR cash payments for, or construction of, substantial public improvements. So long as conditions are reasonably related to the solar project and are found in the Capital Improvement Plan (CIP) of the locality.

Fluvanna Zoning Ordinance:

Current Fluvanna County Zoning Ordinance:

- Zoning districts for each type of solar use
- Zoning land use definitions for solar uses
- Adopted by the Board of Supervisors on September 15, 2021.

Douglas Miles, Community Development Director led the solar discussion with the Commissioners.

C. Adjournment: Vice Chair Lagomarsino closed the Work Session at 7:00 pm.

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Vice Chair Lagomarsino, called the July 11, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**2. DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director
Thursday, July 13th Technical Review Committee meeting**

Zion Station Industrial Park Lot 1 – proposed 5,000 square foot office / fabrication building is being proposed at the industrial park entrance. Site landscaping and signage would be installed at the intersection of Zion Station Road and Richmond Road (US 250) for this new business use.

SUP 23:03 Sun Reventon Farm LLC – Camp Land Use

Reventon Farm Camp applications have been filed in Fluvanna and Albemarle County. The applicant conducted a Community meeting on Thursday, June 29th at Water’s Edge Barn.

Name changed to Briery Creek Farm and they do not plan on permitting RVs and Camper Trailers but discussed the 250 cabin structures and other amenity related service buildings.

Day	Date	Time	2040 Comprehensive Plan Work Session Events	Location
TUES	AUG 8	6:00 pm	Planning Commission Work Session and Meeting	Carysbrook Theatre
TUES	SEPT 12	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre
TUES	OCT 10	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre
WEDS	NOV 8	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre

3. PUBLIC COMMENTS #1

Vice - Chair Lagomarsino opened the Public Comments at 7:07 pm by giving each Public speaker a limit of five minutes to speak and asked they state their name and their address for the record.

- Frank Hopkins of Hodson Energy in Richmond spoke about VA solar energy projects.
- Kyle West of Vega Renewables in Charlottesville spoke about solar energy projects.
- Nadine Armstrong of 2979 Bremono Road spoke in opposition to Pinegate Renewables.
Note: A Special Use Permit (SUP) has not been filed by Pinegate Renewables Solar.
- Harry Kingery of CEP Solar in Richmond spoke about White Oak Solar in the County.
- Skyler Zunk of Energy Right in Richmond spoke about Virginia solar energy projects.
- R.T. “Torrey” Williams of Craig Williams spoke on solar energy within the region and stated was an attorney from Louisa County and solar energy is one of his legal areas.

With no one else wishing to speak in person or online, Vice Chair Lagomarsino closed the first round of Public Comments at 7:27 pm.

4. DRAFT MINUTES:

MOTION:	To approve the minutes of the Planning Commission of July 11, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Absent	Aye	Abstain	Aye	Aye
RESULT:	3-0-1 Approved, as presented				

5. PUBLIC HEARING:

ZMP 23:03 Caroline and Christopher Minsky:

An ordinance to amend proffers of ZMP 19:02 with respect to 7.5 acres of Tax Map 4 Section A front portion of Parcel 27 which is zoned I-1. This amendment would permit previously proffered out commercial uses such as a retail store. There is a retail furniture store with warehouse space that would like to occupy this existing building. The front portion of the property is known as 2428 Richmond Road and is in the Zion Crossroads Community Planning Area and the Palmyra Election District.

Douglas Miles, Community Development Director provided a background presentation on the existing ZMP 19:02 2428 Richmond Road LLC conditional zoning case that was approved by the Board of Supervisors on June 17, 2020. This existing case limited most retail store land uses and he explained how the applicants were interested in relocating a retail home furnishings store.

Kelsey Schlein, Project Manager with Shimp Engineering provided a summary presentation along with Christopher Minsky, applicant, added pertinent information about their proposed land use.

Vice Chair Lagomarsino opened the Public Hearing at 7:42 pm by giving each speaker a limit of five (5) minutes to speak and he asked that they state their name and address for the record.

- Joseph Ryan of 113 Glen Circle: Spoke in support of the proposed retail store land use.

With no one else wishing to speak in person or online, Vice Chair Lagomarsino closed the Public Hearing at 7:43pm. He opened the discussion with the Planning Commissioners on the request.

Patricia Eager, Board member: stated that after seeing the existing site pictures will they be able to install required site screening and still have enough room to meet their parking requirements.

Mr. Miles: stated County staff will work with the applicants and their civil engineer to provide more ornamental landscaping and rather than site screening due to the limited available space.

Mrs. Eager: stated that she just wanted to make sure that any outside storage would not be seen from the public right-of-way along 250 and understood most would be inside storage.

Mike Goad, Commissioner: asked what would done in the future with the rear parcel acreage?

Christopher Minsky, Applicant: stated they do not have any immediate plans for that acreage as they are focused on renovating the existing building and will make the building attractive there.

Mr. Goad: stated that he had questions about the Flea market land use that was mentioned as a potential use and understands it would be used for outside artisan market events in the future. Also, you would be permitted to have Vending carts (food trucks) which would be at the events. He stated he would like to make sure these artisan-type events would be behind your building.

Mr. Minsky: stated that the possible artisan events in the future would be conducted mainly by his wife and may even be more like a Farmer’s Market in this area of the County. If his wife is charge of all the outdoor events they will done very tastefully within their new neighborhood.

After a brief discussion with the commissioners and questions answered by the applicant and staff members to the satisfaction of them. Vice-Chair Lagomarsino asked if we have a motion.

MOTION:	I move that the Planning Commission recommends Approval of ZMP 23:03 as an ordinance to amend proffers of ZMP 19:02 with respect to 7.5 acres of Tax Map 4 Section A front portion of Parcel 27 zoned I-1 and is subject to the revised proffers dated May 26, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Absent	Aye	Aye	Aye	Aye
RESULT:	4-0-1 Recommended Approval with Proffers				

6. PRESENTATIONS:

2023 General Assembly Update – Dan Whitten, County Attorney

Part I – Optional Bills for Consideration by the County

- SB 956 Localities: authorized to create business improvement and recruitment districts
- HB 1634/SB1187 – Comprehensive plan; encouraged to consider strategies to address resilience.

Part II – Mandatory Bills for the County

- SB 1305 Farm buildings and structures; building code exemptions.
- HB 2332 Virginia Economic Development Partnership Authority; eligible site for site development grant.
- HB 1671 Residential land development and construction; fee transparency, annual report
- HB 2325/SB1438 – Agricultural land; definitions, ownership by foreign adversaries prohibited, report.

- HB 1665/SB 1205 Local land use approvals; extension of approvals to address the COVID-19 pandemic, sunset provision.
- HB 1944/SB 1390 Solar photovoltaic projects; extension of land use approvals, extends sunset provision.
- HB 1674 Comprehensive plan; freight corridors.
- HB 2494 Local housing policy; reports to the Department of Housing and Community Development.
- SB 1495 – Local enforcement action; willful disregard for applicable law, damages.
- HB 2007 Virginia Freedom of Information Act; posting of fee policy by a public body.
- HB 2161 Local government; standardization of public notice requirements for certain intended actions.
- HB 2191 Unattended or immobile vehicles; removal by locality

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

None

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

Vice Chair Lagomarsino opened Public Comments #2 at 8:13 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person or online, he closed the Public Comments period at 8:13 pm.

12. ADJOURNMENT:

Vice Chair Lagomarsino adjourned the Planning Commission meeting on July 11th at 8:13 pm.

Minutes recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

**Howard Lagomarsino, Vice Chair
Fluvanna County Planning Commission**